

1
2 UNITED STATES DISTRICT
3 SOUTHERN DISTRICT OF NEW YORK
4

5 DONALD A. SINKOV, Esq. Father and
6 potential personal representative of
7 SPENCER VASATURA, Deceased, and the
8 ESTATE OF SPENCER A. SINKOV, deceased.

9 Plaintiffs.

10 Against:

11 DONALD R. SMITH, individually and in
12 his official capacity as Sheriff of
13 Putnam County; JOSEPH A. VASATURA,
14 individually; LOUIS G. LAPOLLA,
15 individually; THE COUNTY OF PUTNAM,
16 New York, and AmeriCor, Inc.,
17

Defendants.

18 222 Bloomingdale Road
19 White Plains, New York
20 January 27, 2008
21 8:45 a.m.

22 EXAMINATION BEFORE TRIAL of PETER CLARKE, a
23 witness on behalf of the defendant AMERICOR, INC.,
24 in the above-captioned matter, held at the above
time and place, before a Notary Public of the
State of New York.

25 Donna Rothblit,
Sheriff's Reporter

COMPUTRAN SHORTHAND REPORTING

2

1 APPEARANCES:

2
3 LOVETT & GOULD
4 Attorneys for Plaintiff
5 222 Bloomingdale Road
6 White Plains, New York 10601
7 BY: KIM BERG, ESQ.

8 MIRANDA SOKOLOFF SANBURSKY SLOANE
9 VERVERITIS, LLP
10 Attorneys for Defendant -
Donald Smith
11 240 Mineola Boulevard
Mineola, New York 11501
12 BY: ADAM I. KLEINBERG, ESQ.

13 SANTANGELO, RANDAZZO & MANGONE, LLP
14 Attorneys for Defendants -
Joseph A. Vasatura,
15 Louis G. Lapolla and
The County Of Putnam
16 151 Broadway
Hawthorne, New York 10537
17 BY: VINCENT GELARDI, ESQ., of Counsel

18 WILSON, ELDER, MOSKOWITZ, EDELMAN & DICKEY
19 Attorneys for Defendant -
AmeriCor, Inc.
20 Three Grandview Drive
White Plains, New York 10604
21 BY: TIMOTHY P. COON, ESQ.

22 ALSO PRESENT: Donny A. Sinkov
23 Donald Smith
24

25 COMPUTRAN SHORTHAND REPORTING

1
2 IT IS HEREBY STIPULATED AND AGREED,
3 by and between the attorneys for the respective
4 parties herein, that the sealing and filing of
5 the within deposition be waived; that such
6 deposition may be signed and sworn to before any
7 officer authorized to administer an oath with
8 the same force and effect as if signed and sworn
9 to before a Justice of this Court.

10
11 IT IS FURTHER STIPULATED AND AGREED
12 that all objections, except as to form, are
13 reserved to the time of trial.

14
15 IT IS FURTHER STIPULATED AND AGREED
16 that the within examination and any corrections
17 thereto may be signed before any Notary Public
18 with the same force and effect as if signed and
19 sworn to before this Court.

20
21
22
23
24
25 COMPUTRAN SHORTHAND REPORTING

4

1
2 PETER CLARKE,
3 having been duly sworn by Donna Rothblit,
4 a Notary Public within and for the State
5 of New York, was examined and testified
6 as follows:

7
8 Q. 000

9
10 EXAMINATION BY MS. BERG:

11 Q. State your name and address for the

12 record, please.

13 A. Peter Clarke, 105 Tammany Hall Road,
14 Carmel, New York 10512.

15 Q. Mr. Clarke, I'm Kim Berg. I
16 represent the Sinkov family. I'm going to be
17 asking you some questions here today.

18 Let me know if there's anything I
19 say that you don't understand. I'll be happy to
20 explain it or rephrase it for you.

21 A. Okay

22 Q. I can see when you nod your head,
23 but that can't be taken down for the transcript.
24 You need to verbalize your response.

25 A. Yes, I understand.

COMPUTRAN SHORTHAND REPORTING

Peter Clarke

Q. If you give an answer during the deposition that's incorrect or incomplete - you realize you misspoke or you forgot to say something - please let me know before we leave here today, so we make sure we have complete and accurate answers.

A. Yes.

Q. Do you understand all that?

A. Yes.

Q. Okay. Can you describe for me your educational background?

A. I have an associate degree in nursing from Dutchess Community college.

Q. When did you receive that?

A. 1979.

Q. Any other post high school education?

A. I have some credits from State University at New Paltz.

Q. Were those after the associate's degree?

A. Yes.

Q. Do you recall how many credits?

A. No, I don't.

COMPU-TRAN SHORTHAND REPORTING*Peter Clarke*

primarily work in North Central Bronx Emergency Room.

Q. For how long have you held that position?

A. I've been there since -- let me see. I've worked for the network since 1989, July of 1989. I've worked at North Central Bronx since two thousand -- 2002.

Q. Are you employed anywhere else?

A. Arms Acres in Carmel.

Q. What position do you have there?

A. As a staff nurse, per diem.

Q. For how long have you held that position?

A. Approximately, four months.

Q. Any other current positions of employment?

A. No.

Q. Prior to working at Arms Acres, did you have any other positions -- any other position of employment before that?

A. You mean, ever?

Q. Yes.

A. Sure, yes.

COMPU-TRAN SHORTHAND REPORTING*Peter Clarke*

Q. Were those also in nursing?

A. No. You know, pre-nursing, like anthropology and things, leading up to a BSN.

Q. Did you ever receive a degree?

A. No, no.

Q. Are you currently in possession of any professional licenses?

A. Registered nurse in the State of New York.

Q. For how long have you held that license?

A. 19 -- I believe, 1980.

Q. Has that license ever been censured or --

A. No.

Q. -- revoked?

A. No --

Q. -- or suspended in any way?

A. No.

Q. Are you currently employed?

A. Yes.

Q. In what capacity?

A. I'm a registered nurse in -- staff nurse in North Central Bronx Jacobi Network. I

Q. When, in terms of the most recent, Arms Acres.

A. Just AmeriCor.

Q. From when to when did you work for AmeriCor?

A. Approximately, five years.

Q. Do you recall when you started?

A. You would think that I would know this, right? I want to say approximately five years. I can't -- I can't.

Q. When did you stop working there?

A. September, September of last year.

Q. Of '07?

A. Yes.

Q. What were the circumstances of your employment ending?

A. I just wanted to work my regular job. You know, it's more lucrative for me to work overtime at my regular job.

Q. Meaning, at North Central Bronx E.R.?

A. Yes.

Q. At any time during your employment with AmeriCor, was your job performance evaluated?

COMPU-TRAN SHORTHAND REPORTING**COMPU-TRAN SHORTHAND REPORTING**

<p style="text-align: center;">9</p> <p>Peter Clarke</p> <p>Q. In writing?</p> <p>A. Yes.</p> <p>Q. At any time during your employment with AmeriCor, were you ever disciplined or counselled?</p> <p>A. For time abuse. Not time abuse; I'm sorry. For lateness, for coming in late.</p> <p>Q. And who disciplined you on that occasion?</p> <p>A. Rich, the nurse administrator.</p> <p>Q. Was that Rich DiMatio?</p> <p>A. Yes.</p> <p>Q. Do you recall when that discipline occurred?</p> <p>A. Last summer.</p> <p>Q. Did that discipline have anything to do with you leaving in September of '07?</p> <p>A. No.</p> <p>Q. Any other occasions where you were counselled or disciplined while working for AmeriCor?</p> <p>A. I don't recall.</p>	<p style="text-align: center;">11</p> <p>Peter Clarke</p> <p>Q. Under what circumstances?</p> <p>A. If somebody was going out to the hospital, I would notify Mr. Duffy.</p> <p>Q. Any other circumstances?</p> <p>A. No.</p> <p>Q. And in terms of your employment with AmeriCor, did you ever receive any written policies or procedures you were required to follow as a staff nurse?</p> <p>A. Yes.</p> <p>Q. Do you recall when you first received them?</p> <p>A. When I first started there, and there was updates.</p> <p>Q. Did you receive any training at any point in time while employed by AmeriCor?</p> <p>A. Yes.</p> <p>Q. Do you recall what kind of training?</p> <p>A. Initially, when I started there, we received training about -- about working at the correction facility, the types of people, you know, that you come in contact with. You know, what you should expect. You know, how to, you know, treat patients in a correction facility.</p>
COMPU-TRAN SHORTHAND REPORTING	

<p style="text-align: center;">10</p> <p>Peter Clarke</p> <p>you physically report to work at the Putnam County Correctional Facility?</p> <p>A. Yes.</p> <p>Q. That was through the entire time; correct?</p> <p>A. Yes.</p> <p>Q. What were your job duties and responsibilities in that regard?</p> <p>A. To administer medication, to pick up doctor's orders, to -- when somebody under arrest would come in, we would go upstairs and evaluate them, medical problems. If they had medical problems.</p> <p>Q. Was that in booking?</p> <p>A. Yes, booking.</p> <p>Q. Any other duties?</p> <p>A. Medication. No. That's about the gist of it.</p> <p>Q. Who, if anyone, did you report to when you worked for AmeriCor?</p> <p>A. To Rich and to Mr. Duffy.</p> <p>Q. In practice, in reality, did you actually report to Duffy?</p> <p>A. If some -- yes.</p>	<p style="text-align: center;">12</p> <p>Peter Clarke</p> <p>And then, again, we had the suicide prevention, also.</p> <p>Q. When was the suicide-prevention training?</p> <p>A. I believe that was, I want to say last -- last spring. Spring of 2007.</p> <p>Q. Was that the only occasion that you received suicide-prevention training while working for AmeriCor?</p> <p>A. Yes.</p> <p>Q. Were you ever trained with respect to the policies and procedures that AmeriCor had?</p> <p>A. Wait. I'm sorry; say that again.</p> <p>Q. Were you ever given any training or instruction on AmeriCor's policies and procedures? In other words, other than physically giving you the manuals, did anybody ever instruct you about those policies?</p> <p>A. We would go over them with Rich.</p> <p>Q. You did?</p> <p>A. Yes.</p> <p>Q. Were those in-staff meetings, or something else?</p> <p>A. There was staff meetings and also,</p>
COMPU-TRAN SHORTHAND REPORTING	

1 Peter Clarke

2 you know, one-to-one.

3 MS. BERG: Let me have
4 marked as 32, a copy of an
5 October 11, 2006, memo from Rich to
6 All Staff regarding the suicide-
7 prevention class.

8 (Whereupon, 10/11/06 memo from Rich to
9 All Staff was marked as Plaintiff's
10 Exhibit No. 32, for id.)

11 Q. Take a look at Exhibit 32, which is
12 a memo from Rich, regarding suicide-prevention
13 class. (Handing)

14 A. The first question is: Do you see
15 your initials anywhere on the page?

16 A. No.

17 Q. Do you recall if the training that
18 you attended was on any of these days, November 4
19 or 9, 2006, as opposed to the spring of '07?

20 A. 11/9/06.

21 Q. That's when you went?

22 A. I believe so, yes.

23 Q. And who provided the training?

24 A. An officer from Putnam County

25 Correction Facility.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 A. About the numbers adding -- you
3 know, the quantitative value of the numbers, you
4 know, adding up; and how if it went up over a
5 specific amount, then the officer, the sergeant
6 in charge, would have to be notified.

7 Q. Do you recall that there was that
8 suicide screening form that was administered as
9 part of the intake process?

10 A. Yes.

11 Q. And on that form, do you recall that
12 there were shaded areas, shaded boxes, if you
13 will?

14 A. Yes.

15 Q. Do you recall if the suicide
16 training you attended in November of '06 went
17 over anything that you were supposed to do if the
18 shaded box was checked?

19 A. I don't know, I can't recall.

20 Q. Do you recall what the number was in
21 terms of when you were supposed to notify the
22 sergeant?

23 A. I don't recall that.

24 Q. Other than notification to a
25 sergeant, did the training provide you with any

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 Q. Was it a sergeant or a correction
3 officer?

4 A. Correction officer.

5 Q. Was it Spinelli?

6 A. I believe that's his name, yes.

7 Q. Anybody else provide the training,
8 other than Correction Officer Spinelli?

9 A. There was another officer present.

10 I don't recall his name.

11 Q. Do you recall, in substance, what
12 was conveyed during that training?

13 A. Suicide prevention; about you know,
14 signs and symptoms of somebody -- somebody
15 exhibiting, you know, self-destructive behavior
16 or ideation.

17 Q. Was anything conveyed to you during
18 the training about any state, New York State
19 regulations or standards?

20 A. That, I don't recall.

21 Q. Do you recall if anything was
22 discussed at the training about the Suicide
23 Prevention Guidelines Screening form?

24 A. Yes.

25 Q. What was discussed about that?

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 other things that you were supposed to do as a
3 nurse if, on the screening guideline form, the
4 score went over a certain number?

5 A. Place -- place the inmate on a q. 15
6 or a constant observation.

7 Q. What is a q. 15?

8 A. That somebody would check him every
9 15 minutes.

10 Q. What is a q. 15?

11 A. Every 15 minutes, that somebody
12 would check on them.

13 Q. Was anything explained to you as to
14 under what circumstances the 15-minute versus the
15 constant --

16 A. Yes.

17 Q. -- would be used?

18 A. Um-hum.

19 Q. What did they tell you about that?

20 A. I don't recall.

21 MR. COON: Just one minute,
22 Kim.

23 MS. BERG: Sure.

24 (Off-the-record discussion)

25 Q. Do you recall if anything was given

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 to you at the training - pamphlets, rules,
 3 regulations; anything else?
 4 A. Yes.
 5 Q. What did you receive?
 6 A. Paperwork pertaining to what was
 7 gone over in the class.
 8 Q. Do you recall what the paperwork
 9 consisted of?
 10 A. No.
 11 Q. Was it a manual, if you know?
 12 A. I don't recall.
 13 Q. Was it specific to nurses, or did it
 14 involve correction officers, as well?
 15 MR. COON: You're talking
 16 about the paperwork --
 17 MS. BERG: Yes, the
 18 paperwork.
 19 MR. COON: -- at the training?
 20 MS. BERG: Right.
 21 A. I can't recall.
 22 Q. Can you tell me if you've ever seen
 23 Exhibit 9 before? That's an officer's handbook.
 24 (Handling)
 25 MR. COON: Look through it.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 Q. And do you recall if it was phrased
 3 that way; namely, that constant supervision had
 4 to be instituted?
 5 A. I don't recall.
 6 Q. Prior to the suicide-prevention
 7 training that you went to in November of 2006,
 8 were you ever instructed about what to do if an
 9 inmate scored a certain number on the suicide-
 10 prevention form?
 11 A. No.
 12 Q. Were you aware of any policies or
 13 procedures, prior to November of 2006, regarding
 14 what level, in terms of total score, some action
 15 needed to be taken at?
 16 A. I knew that some action had to be
 17 taken, but I didn't -- I didn't know what because
 18 it clearly was a correction officer's
 19 responsibility.
 20 Q. And who told you that it was a
 21 correction officer's responsibility?
 22 A. They were the ones who did it. I
 23 never was trained in it prior to that class.
 24 Q. Prior to November of 2006, did you
 25 ever receive any direction, instruction,

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 Peter; see if you recognize
 3 it.
 4 (Witness compiles)
 5 A. It does look familiar, yes.
 6 Q. Do you recall if you received that
 7 at the time of the suicide-prevention training?
 8 A. I don't know if I just looked at it
 9 there or was given a copy of it; I don't recall.
 10 Q. Just take a look at Page 17. It's
 11 towards the back.
 12 A. (Witness compiles)
 13 Q. Do you see, under the section which
 14 says "Supervision" at the bottom, "According to
 15 the commissioner, the Commission's regulations..."
 16 Do you see that?
 17 A. Yes.
 18 Q. That section which states that,
 19 "Constant supervision should be instituted for a
 20 high-risk inmate," do you see that part?
 21 A. Yes.
 22 Q. Was that covered with you during the
 23 suicide-prevention training that you attended in
 24 November of '06?
 25 A. Yes.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 anything, written or verbal, about what to do if
 3 an inmate scores eight or higher on the suicide-
 4 prevention form?
 5 A. No.
 6 Q. Did you ever receive any
 7 instruction, training, verbal or written
 8 guidelines on what to do if an inmate has a
 9 shaded box checked on the form? Again, prior to
 10 November of 2006.
 11 A. No.
 12 Q. Did you ever have, as a nurse, the
 13 responsibility for administering the suicide-
 14 screening guideline form?
 15 A. No.
 16 Q. When you worked at the Putnam County
 17 Correctional Facility, did you work the same
 18 shift, or did it rotate?
 19 A. I worked different shifts.
 20 Q. Day and night?
 21 A. Day, evening, and night.
 22 Q. And were there any policies or
 23 procedures with respect to communicating with
 24 correction officers during the intake process
 25 about your observations of an incoming inmate?

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

A. Wait. The last part, I didn't get.

Q. An incoming inmate --

A. Right.

Q. In other words, during the booking process --

A. Right.

Q. -- you said that you would be responsible to go up and evaluate the incoming inmate; correct?

A. Right.

Q. What did your evaluation consist of?

A. If they had a physical complaint, I would take their vital signs. I would observe them; you know, take their vital signs.

Q. Anything else? Let's assume there was no physical complaint; what did your evaluation consist of?

A. Talking to the inmate, asking him if he had any medical problems.

Q. Anything else?

A. Ask him if he was on any medication.

Q. Anything else?

A. No, No, that's it.

Q. In terms of your evaluation during

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

Q. Were you aware of any policies or procedures which permitted you not to go and evaluate an incoming inmate?

A. Somebody who was going to be admitted to the jail?

Q. Yes.

A. No.

Q. And in terms of your evaluation, were you ever provided with any policies or procedures that indicated you were required to take vital signs for every incoming inmate?

A. No.

Q. Do you recall ever receiving any kind of staff memos from Mr. DiMatto or the health-services administrator?

A. Concerning...?

Q. Anything involving your nursing duties.

A. Wait, wait, wait. Wait one second.

Q. Wait, wait, wait. Just back up one question.

Q. Yes. Do you want me to rephrase it?

A. No, not that one. The prior question about the vital signs.

Q. Yes.

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

the booking process, how would you know that an incoming inmate was there for you to evaluate?

A. I would receive a call.

Q. From?

A. From booking.

Q. So, somebody within the facility would call you to come up and see the inmate?

A. Yes; most likely, the booking

officer.

Q. And in terms of procedures and policies, were you aware of any time frame within which you had to go see the inmate?

A. I mean, I always -- when I would get a call, I would immediately go upstairs.

Q. Did anybody tell you that you ever had -- in terms of timing, that you had to go within four hours of receiving notification?

A. I don't -- I don't recall, but...

Q. In practice, though, you said that you would respond immediately and go right there?

A. Yes.

Q. And were you notified in every case that an incoming inmate was being processed?

A. Yes.

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

A. At one point, that -- we were told that the vital signs were taken on all incoming.

Q. Do you recall when that was?

A. No.

Q. Do you remember if it was about the same time that you received the suicide-prevention training?

A. Yeah, I would -- yes.

Q. And do you remember if you were told that verbally or in writing?

A. I would think that it would be in writing, but it was also verbal.

Q. Do you recall if you ever saw Exhibit 24, which is a November 27, 2006, memo from Rich to the staff? (Handing)

A. (Witness peruses exhibit)

Q. Did you ever see that?

A. I don't recall. I mean, I know the stuff that's on here, but I don't recall specifically.

Q. The fourth paragraph refers to vital signs being done on all incoming inmates.

A. Yes.

Q. Do you recall if this was in or

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**
 2 about the same time that you were verbally told?
 3 A. I can't -- I can't recall.
 4 Q. Prior to this memo, was it your
 5 practice to do vital signs only if the inmate
 6 expressed a physical complaint?
 7 A. Well, not -- not only if the inmate
 8 expressed a physical complaint, but if they
 9 didn't look well, you know, if... I would do
 10 vital signs.
 11 Q. So, you would do vital signs if the
 12 inmate expressed a physical complaint or if the
 13 inmate, in your view, looked ill?
 14 A. Yes.
 15 Q. And are there any other
 16 circumstances that you would do vital signs as a
 17 matter of your practice?
 18 A. On all inmates? No.
 19 Q. Also as part of this memo it says,
 20 "If there are any concerns at booking related to
 21 mental health or medical, let the shift sergeant
 22 know ASAP."
 23 Was that always the policy, or was
 24 that new in November of '06?
 25 A. I mean, I would -- I don't know

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**
 2 training --
 3 A. Right.
 4 Q. -- November, 2006, training?
 5 A. Right.
 6 Q. Prior to that training, did anybody
 7 ever tell you that if you saw on the suicide
 8 screening form the inmate had a score of eight or
 9 higher, you were supposed to report that to
 10 anyone?
 11 A. No.
 12 Q. Did anybody ever indicate to you,
 13 prior to November of 2006, that you as a nurse
 14 had any responsibility for ensuring that some
 15 level of heightened supervision was implemented
 16 for an inmate who had a score of eight or higher?
 17 MR. COON: Objection to the
 18 form.
 19 You can answer.
 20 A. No.
 21 Q. Prior to November of 2006, were you
 22 ever instructed or told that if an inmate had any
 23 shaded box checked on that suicide screening
 24 form, that you as a nurse had a responsibility
 25 for making sure that some heightened level of

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**
 2 about the policy, but I would tell them, anyway.
 3 I mean, you know, it wasn't...
 4 Q. Did you make those communications to
 5 the sergeant, or to the correction officer, or
 6 both?
 7 A. You mean, always or...?
 8 Q. Yes.
 9 A. Probably to both.
 10 Q. Do you recall? You're saying
 11 "probably." I don't want you to guess.
 12 A. Right. Every single time, I can't --
 13 I can't -- you know, on hundreds of inmates that
 14 I saw coming in, I can't specifically say every
 15 single time I...
 16 Q. Were you ever aware of any situation
 17 where you were required to notify the sergeant,
 18 supervisor, if you will, about an inmate who
 19 scored eight or higher on the screening form, the
 20 suicide screening form?
 21 A. When? I mean, prior to -- prior to
 22 this?
 23 Q. At any point.
 24 A. Yes; after the suicide prevention.
 25 Q. Meaning, after your November

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**
 2 supervision was instituted?
 3 MR. COON: Objection to form.
 4 You can answer.
 5 A. No.
 6 Q. Were you aware of any policies or
 7 procedures with respect to what you were required
 8 to do at intake?
 9 A. I'm sorry; can you just...?
 10 Q. Sure. As part of the intake
 11 process --
 12 A. Right.
 13 Q. -- were there any policies or
 14 procedures, which in writing, detailed what you
 15 were required to do?
 16 A. This -- this form here. (Indicating.)
 17 Q. Okay. Exhibit 24. Anything else?
 18 A. I don't recall.
 19 Q. You indicated that you did hundreds
 20 of bookings.
 21 A. Right.
 22 Q. Is that fair to say, it's accurate?
 23 A. Right.
 24 MR. COON: Well, I don't
 25 think he did bookings; he saw them.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 Q. Well, you were involved with the
3 evaluation of incoming inmates --
4 A. Right.
5 Q. -- on hundreds of occasions?
6 A. On a hundred.
7 Q. A hundred?
8 A. Right, I'm just estimating.
9 Q. And in your experience at the Putnam
10 County Correctional Facility, did you observe
11 inmates who came in either appearing to be under
12 the influence of drugs or alcohol, or reporting
13 that they were?
14 A. Yes.
15 Q. How often did that happen out of
16 those approximately hundred times?
17 A. I can't...
18 Q. More than half?
19 A. Probably less; less than half.
20 Q. Less than half?
21 A. Um-hum.
22 Q. And in terms of inmates who either
23 reported a history of drug or alcohol use or who
24 appeared to be under the influence, were you
25 aware of any policies or procedures prior to

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 November, 2006, about how to handle those
3 inmates?
4 A. How to handle?
5 Q. Yes; what you needed to do.
6 A. I don't recall.
7 Q. Did you receive any guidance in or
8 about November of 2006 about what to do when an
9 inmate reported a history of drug or alcohol use?
10 A. I don't recall.
11 Q. Was it part of the suicide-
12 prevention training at all?
13 A. Yes, it is part of the suicide
14 prevention.
15 Q. So, in November of 2006, did
16 Spinelli or the other officer say anything,
17 convey anything about individuals who had a
18 history of drug or alcohol use?
19 A. I believe that was -- that was
20 there, yes.
21 Q. Do you recall what was said in that
22 regard, the gist of it?
23 A. I can't -- I can't recall.
24 Q. Did anybody ever tell you that you,
25 as the nurse, were required to ask questions or

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 get information about an individual's frequency
3 of drug use?
4 A. I'm trying to think. I don't
5 recall.
6 Q. Or amount of drug use?
7 A. I can't remember.
8 Q. Did anybody ever indicate to you
9 that you were required to ask when the last time
10 was that an individual used drugs?
11 A. Can you just say that again?
12 Q. Sure. Did anybody ever tell you
13 policies or procedures required you to ask
14 individuals coming into the facility when the
15 last time was that they used drugs?
16 A. I believe that was part of the
17 policy.
18 Q. And you indicated that the
19 correction officers would administer the forms;
20 correct?
21 A. Yes.
22 Q. What, if any, requirement did you,
23 as a nurse, have with respect to those forms?
24 Did you have to do anything in terms of
25 completing any part of it?

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 A. We would sign that it was -- that it
3 was done.
4 Q. What do you mean, you would sign
5 that it was done?
6 A. On the right lower-hand corner, we
7 would date and put our signature on.
8 Q. And what was your understanding as
9 to what you were supposed to do, if anything,
10 with that form prior to dating and signing it?
11 A. Just checking that it was done, it
12 was filled out.
13 Q. Were you ever told of any policies
14 or procedures that, when you reviewed those
15 forms, the medical and the suicide screening
16 forms, whether you were supposed to, as the
17 nurse, look for certain things so that you could
18 take further action?
19 A. On the medical -- I read the
20 medical, yes. But prior to November, the other
21 thing was the responsibility of the -- you know,
22 of the booking officer.
23 Q. So, prior to November of 2006, did
24 you have a responsibility to review the suicide
25 screening part of the packet?

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 A. No.
 3 Q. When you reviewed the medical part,
 4 was the suicide screening part of the packet?
 5 A. Say this again.
 6 Q. When you reviewed the medical forms --
 7 A. Right.
 8 Q. -- which you said you had to sign
 9 and date --
 10 A. Right.
 11 Q. -- was the suicide screening form
 12 part of that packet?
 13 A. Sometimes you would get one before
 14 you got the other. It wouldn't be complete. You
 15 wouldn't get them at the same time.
 16 Q. If you got one before the other, did
 17 you receive both, in any event, before you left
 18 booking?
 19 A. Yes. Usually -- not in booking.
 20 After booking, after they went downstairs -- they
 21 would complete it upstairs, and then bring it
 22 downstairs.
 23 Q. So, they would bring it to medical?
 24 A. Yes.
 25 Q. And that would be a correction

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 (Record read)
 3 Q. Let me show you what was previously
 4 marked as Exhibit 7. There's some handwriting on
 5 that; but the form, itself, do you recognize that
 6 as part of the booking or screening form that was
 7 administered to the incoming inmates? (Handing)
 8 A. Yes.
 9 Q. And did you ever see this particular
 10 form which pertains to Spencer Slinkov?
 11 A. Yes; I signed it.
 12 Q. Do you have a recollection of it as
 13 you sit here today, other than the fact that your
 14 signature is on there?
 15 A. A recollection that I've seen it
 16 before?
 17 Q. Yes: In other words, if I took that
 18 form away, do you have an independent memory --
 19 A. No.
 20 Q. -- of actually seeing it?
 21 A. No.
 22 Q. Do you recall, for example, if you
 23 received it in booking, or if it was brought to
 24 medical?
 25 A. It was brought to medical.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 officer in booking?
 3 A. Yes.
 4 Q. And what would they do with it once
 5 they brought it to medical?
 6 A. They would give it -- you know, give
 7 it to us.
 8 Q. And at that point in time, were you
 9 required to do anything other than file it in the
 10 inmate's medical file?
 11 A. I would review it.
 12 Q. Is that when you would sign and date
 13 it?
 14 A. Yes.
 15 Q. And on the occasions that they would
 16 bring it down to medical, did you review the
 17 suicide screening forms prior to November of '06?
 18 A. No.
 19 Q. Were you required to by any policy
 20 or procedure as far you knew --
 21 A. No.
 22 Q. -- prior to November of '06?
 23 A. No.
 24 MR. KLEINBERG: Can you read
 25 back the last question.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 Q. How do you know that?
 3 A. Because I remember I got this later.
 4 Q. Did you go to booking when Spencer
 5 Slinkov came into the facility?
 6 A. Yes.
 7 Q. And at that point in time, did you
 8 review any documents that were completed, or in
 9 the process of being completed by the correction
 10 officers?
 11 A. No.
 12 Q. Did you ever see Exhibit 3, which is
 13 the Suicide Prevention Screening Guidelines that
 14 were administered to Spencer (Handing)
 15 A. (Witness peruses exhibit)
 16 I must've saw it that day; but I
 17 don't -- as again, I don't recall it, though.
 18 Q. Do you recall if you reviewed it
 19 that day? Meaning, May 20th, 2006.
 20 A. I would have just looked and saw
 21 that it was -- it was done; it was all signed.
 22 Q. On the bottom?
 23 A. Yes.
 24 Q. And in terms of your looking at that
 25 to make sure it was all signed on the bottom, was

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

004277 2 there anything else that you did other than to
004278 3 check to see that it was signed?
004279 4 A. No.
004280 5 Q. Prior to November of 2006, were you
004281 6 aware of anything that you, as a nurse, were
004282 7 required to do upon seeing scores such as ten in
004283 8 the total of columns?
004284 9 A. No.
004285 10 Q. Were you, prior to November of '06,
004286 11 aware of anything you were supposed to do as a
004287 12 nurse in light of the fact that three shaded
004288 13 boxes were checked?
004289 14 A. No.
004290 15 Q. Did you ever see Exhibit 30, which
004291 16 is an AmeriCor Policy Manual dated November,
004292 17 2004? (*Handing*)
004293 18 A. Yes.
004294 19 Q. Do you recall if you saw that in the
004295 20 format it's in there? Meaning, a series of
004296 21 documents in one.
004297 22 A. Yes; in a binder.
004298 23 Q. And under what circumstances did you
004299 24 get that? Was it part of a training? Was it
004300 25 just handed out? Something else?

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

004301 2 A. It was in -- I believe it was handed
004302 3 out, plus it was in the -- it was there. We had
004303 4 access to it in the facility.
004304 5 Q. Was anything pointed out to you
004305 6 specifically in terms of those policies or
004306 7 procedures?
004307 8 A. Anything...?
004308 9 Q. Pointed out to you, anything that
004309 10 you should focus on or look at in
004310 11 particular?
004311 12 MR. COON: You have to
004312 13 answer, Peter?
004313 14 Q. Not?
004314 15 A. I don't recall. No, I don't
004315 16 understand the question, you know. I mean, it's --
004316 17 Q. Okay, that's fine. In other words,
004317 18 when this was given to you, Exhibit 30 --
004318 19 A. Right.
004319 20 Q. -- did anybody bring to your
004320 21 attention any specific policy in here --
004321 22 A. Right.
004322 23 Q. -- that they wanted you to be aware
004323 24 of?
004324 25 A. Not that I could recall.

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

004316 2 Q. Were you told anything about whether
004317 3 or not you needed to review all of those policies
004318 4 or anything else?
004319 5 A. We did review them.
004320 6 Q. Did you have to sign for it in any
004321 7 way?
004322 8 A. I don't recall.
004323 9 Q. Did anybody ever indicate to you
004324 10 that policies that are contained in Exhibit 30
004325 11 did not apply to the nursing staff?
004326 12 A. Again, I don't -- I don't recall.
004327 13 Q. Take a look at Exhibit 28, which is
004328 14 an AmeriCor, Inc. Procedure Manual, with the date
004329 15 2003. Did you ever see that? (*Handing*)
004330 16 A. Yes. Yes, I've seen this.
004331 17 Q. Do you recall when for the first
004332 18 time?
004333 19 A. It's -- when I was first hired.
004334 20 Q. And was that also maintained in the
004335 21 facility?
004336 22 A. Yes.
004337 23 Q. Was it part of the same binder as
004338 24 the Policy Manual, Exhibit 30?
004339 25 A. No, it wasn't. It was in a separate --

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

004340 2 separate binder.
004341 3 Q. And did anybody ever tell you that
004342 4 the procedures in there did not apply to the
004343 5 nursing staff in any way?
004344 6 A. No.
004345 7 Q. Take a look at Exhibit 30, the 2004.
004346 8 (*Handing*) Do you see on the bottom where it has
004347 9 numbers? Turn to the page that says 421.
004348 10 A. (*Witness complies*)
004349 11 Q. It's a two-page policy regarding
004350 12 Receiving Screening?
004351 13 A. Yes.
004352 14 Q. Did you ever see that before today?
004353 15 A. This -- this was in the book, yes.
004354 16 I saw it.
004355 17 Q. In terms of the policy, it says in
004356 18 the first sentence, "All inmates will be given a
004357 19 Receiving Screening by health care or health-
004358 20 trained personnel immediately upon their arrival
004359 21 at the facility."
004360 22 Do you see that part?
004361 23 A. Is that the first...?
004362 24 Q. The first line that I just read.
004363 25 A. Yes.

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

1 Q. About halfway down it says, "At a
 2 minimum the Receiving Screening will include
 3 inquiry into:" And then there are a number of
 4 numbered paragraphs.
 5

6 A. Um-hum.

7 Q. Do you see that?

8 A. Right.

9 Q. On the next page, number four says,
 10 in terms of what needs to be inquired into, "Use
 11 of alcohol and other drugs, including types of
 12 drugs used, mode of use, amount used, frequency
 13 used, date or time of last use and a history of
 14 problems which may have occurred after ceasing use."

15 Do you see that?

16 A. Yes.

17 Q. At any point in time prior to
 18 November of 2006, were you aware of any policy
 19 AmeriCor had which required you, as an AmeriCor
 20 employee, to make those inquiries about types of
 21 drugs, mode, frequency, et cetera?

22 A. Yes.

23 Q. Did you do that with respect to all
 24 incoming inmates?

25 A. Yes.

COMPU-TRAN SHORTHAND REPORTING**Peter Clarke**

1 Q. Do you recall Spencer Sinkov coming
 2 into the facility on or about May 20th, 2006?
 3 A. Yes.
 4 Q. Did you specifically inquire of him
 5 about anything concerning types of drugs, mode of
 6 use, amount used, frequency used, history of
 7 problems, as noted in this policy?
 8 A. He offered the information himself,

9 yes.

10 Q. What did he tell you?

11 A. About the heroin. He said he last
 12 used 24 hours ago.

13 Q. Did he say anything about how much
 14 he used?

15 A. No.

16 Q. Did he say with what frequency he
 17 used?

18 A. No.

19 Q. Did he say anything about whether or
 20 not he had any problems when he stopped use?

21 A. No.

22 Q. Did you ask him any of those
 23 questions?

24 A. No.

COMPU-TRAN SHORTHAND REPORTING**Peter Clarke**

1 Q. Based on your review of this policy,
 2 is it, therefore, your testimony here today that
 3 you failed to abide by AmeriCor's policy as noted
 4 in this manual, Page 421 to 422?

5 MR. COON: Note my
 6 objection.

7 A. No.

8 Q. Well, if it's required of you and
 9 you didn't do it, how is it that you didn't
 10 violate the policy?

11 A. Because in speaking with the inmate,
 12 he -- he said he had no medical problems, and he
 13 said he last used heroin 24 hours ago.

14 And I said, how do you feel?

15 He said, I feel fine.

16 I said, you don't feel sick at all?
 17 Nothing.

18 And I told him about, you know,
 19 medical. You know, if you feel sick, you know,
 20 we're here; just, you know, tell the officers
 21 that, you know, you want to see us.

22 Q. So, at that time in May of '06, did
 23 you have an understanding that at minimum, you
 24 were required to ask him about other things, such

COMPU-TRAN SHORTHAND REPORTING**Peter Clarke**

1 as how much he used or the frequency of his use?

2 A. Yes.

3 Q. And you didn't do that?

4 A. I didn't do it; I spoke to the

5 inmate.
 6 Q. And in terms of the other things
 7 noted in this policy it says at minimum you're
 8 supposed to make an observation of: Number four:
 9 "Condition of the skin." And one of the specific
 10 things under that paragraph is, "Needle marks or
 11 other indications of drug abuse."

12 Were you aware of that policy on or
 13 about May 20th, 2006?

14 A. Yes.

15 Q. Did you ever make any observations
 16 of Spencer's skin?

17 A. No.

18 Q. Did you ever take a look to see if
 19 he had any needle marks or other indications of
 20 drug use?

21 A. No, because he offered -- you know,
 22 he said that he did a bag of dope within 24 hours.

23 Q. But did he tell you how he used it?

24 A. I just -- for some reason, I don't

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 know whether -- I just thought that he snorted it.
 3 Q. That was your assumption?
 4 A. Yes.
 5 Q. Because you never checked his arms;
 6 correct?
 7 A. I don't know if he told me that
 8 or... No, I didn't check his arms.
 9 Q. Did you understand that on May 20,
 10 2006, you, as a nurse, were obligated by AmeriCor
 11 policy to check for things like track marks?
 12 MR. COON: Objection to the
 13 form of the question.
 14 A. Yes.
 15 Q. And you didn't do that?
 16 A. Right.
 17 Q. Did anybody ever counsel you or
 18 discipline you for violating AmeriCor policy?
 19 MR. COON: Objection.
 20 A. No.
 21 Q. Did anybody ever ask you any
 22 questions -- prior to today, of course -- about
 23 whether or not you abided by that policy?
 24 MR. COON: Objection.
 25 A. No.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 A. She relieved me that morning, yes.
 3 Q. Did you have any conversations with
 4 her at that time about what happened on your
 5 shift?
 6 A. Yes.
 7 Q. Do you recall if you said anything
 8 to her regarding Spencer?
 9 A. I don't recall, but I'm sure I --
 10 you know, I mentioned him.
 11 Q. You don't have a recollection of
 12 doing so, though?
 13 A. No.
 14 Q. Did you provide her with the Shift
 15 Report that you had completed?
 16 A. I think so.
 17 Q. Do you remember doing that?
 18 A. I did it every shift.
 19 Q. Okay, but do you have a recollection
 20 of doing it?
 21 A. That particular day?
 22 Q. Yes.
 23 A. No.
 24 Q. Take a look at the 2003 Policy
 25 Manual, Exhibit 28, Procedure Manual, I should

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 Q. Are you familiar with a document
 3 called the Shift Report form?
 4 A. Yes.
 5 Q. And as a matter of policy, were you
 6 required to complete one on each shift that you
 7 worked?
 8 A. Yes.
 9 Q. Do you recall if you completed one
 10 on the shift you worked for May 20th, 2006?
 11 A. I don't recall.
 12 Q. What was your understanding in
 13 May of '06 as to what you were required to put on
 14 the Shift Report form?
 15 A. New inmates coming in, blood drawn,
 16 any problems in the shift.
 17 Q. Were you required to note in any way
 18 on the Shift Report if an inmate was placed on a
 19 15-minute watch or a constant supervision?
 20 A. Yes.
 21 Q. And do you recall if you did that in
 22 Spencer's case?
 23 A. I don't recall.
 24 Q. After you went off shift, do you
 25 recall that Susan Waters came on that day?

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 say.
 3 MR. COON: Procedure Manual
 4 or Policy?
 5 MS. BERG: Procedure Manual,
 6 2003.
 7 Q. Go to the page that's Bates stamped
 8 494.
 9 A. (Witness complies)
 10 Q. Did you ever see that procedure,
 11 Receiving Screening.
 12 A. (Witness peruses record) It looks
 13 familiar.
 14 Q. At the bottom of Page 494, it says,
 15 "If the inmate is medically stable but requires
 16 medical follow up - e.g., intoxicated, but
 17 subject to going into withdrawal - the nurse will
 18 accept the inmate; document the medical condition
 19 in the inmate's medical record; and, depending on
 20 the inmate's medical problem, either contact the
 21 physician for orders or schedule the inmate to be
 22 seen at the next physician's sick call.
 23 Do you see that?
 24 A. Yes.
 25 Q. With respect to Spencer Sinkov, did

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**

2 you contact the physician for orders?

3 A. No.

4 Q. Did you schedule him to be seen at
5 the next physician's sick call?

6 A. No.

7 Q. Did you ever indicate to anyone in
8 any shape or form that follow up was necessary or
9 monitoring was necessary with respect to Spencer?

10 A. I don't recall.

11 Q. Do you recall communicating that to
12 Susan Waters at any time?

13 A. I don't recall.

14 Q. Did you ever monitor or follow up on
15 Spencer at any point?

16 A. No.

17 Q. There's reference in this Procedure
18 Manual, Page 495, to a History and Physical
19 logbook.

20 Do you see that? It's the last five
21 words on Page 495.

22 A. Yes.

23 Q. Do you know what the History and
24 Physical logbook is?

25 A. It's a book where the PPDs go.

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**

2 Q. What is that?

3 A. You know, for tuberculosis.

4 Q. Were you ever told of any
5 requirement that the Receiving Screening that you
6 do is required to be documented in that History
7 and Physical logbook?

8 A. No.

9 Q. Did you ever document Receiving
10 Screenings in the History and Physical logbook as
11 a matter of your practice?

12 A. No.

13 Q. One of the documents that you, as a
14 nurse, were responsible for completing were
15 called Progress Notes; correct?

16 A. Correct.

17 Q. What was your understanding of what
18 was supposed to go into a Progress Note?

19 A. The patient's/inmate's complaints,
20 how he looks, signs and symptoms.

21 Q. Anything else?

22 A. If he was placed on 15-minute or
23 constant watch, that would be put on there.

24 Q. And if you did vitals, would you

25 note it in there?

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**

2 A. Yes.

3 Q. And in terms of the Progress Notes
4 and the things you just listed that were supposed
5 to go into the Progress Notes, those things were
6 listed from when you started with AmeriCor until
7 you stopped working there?

8 A. Yes.

9 Q. Was there any change in any policies
10 or procedures with respect to what you were
11 supposed to put in the Progress Notes at any
12 time?

13 A. Just adding the vital signs for all
14 patients -- all inmates.

15 Q. That would have been in and about
16 November of '06?

17 A. Yes.

18 Q. Do you recall if you created any
19 Progress Notes for Spencer Sinkov?

20 A. I wrote a Progress Note.

21 Q. Do you recall when the last time was
22 that you saw it?

23 A. Probably that -- that next day after
24 the incident.

25 Q. I'm going to show you Exhibit 26 and
COMPU-TRAN SHORTHAND REPORTING

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1 Peter Clarke

2 information about Spencer - a complaint or
3 otherwise - that you felt that monitoring was
4 required?

5 A. I don't recall.

6 Q. Other than your Progress Note,
7 withdrawn.

8 Were your Progress Notes given to
9 Susan Waters, or are they contained in the file?

10 A. They're in the file,

11 Q. And did you bring to her attention
12 the fact that you wrote "Will monitor" on your
13 Progress Note?

14 A. I don't remember.

15 Q. Let me show you Exhibit 27, which is
16 the same Progress Note, but below it are two more
17 entries by Susan Waters. (Handing)

18 Do you recall if you ever saw those
19 entries before today?

20 A. I don't recall.

21 Q. Did you ever speak with Susan Waters
22 about any of her interactions with Spencer Sinkov
23 at any time?

24 A. Yes.

25 Q. Do you recall when for the first

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 time?

3 A. That afternoon.

4 Q. What did you say to her, and what
5 did she say to you?

6 A. I can't remember the exact.

7 Q. As best you can remember, what was
8 the substance of what you communicated to her and
9 what she said to you?

10 A. I'm trying to think. Just that he
11 had -- he had hung himself.

12 Q. She told you that?

13 A. Um-hum.

14 Q. Yes or no?

15 A. Yes.

16 Q. And did you say anything?

17 A. I said, I couldn't believe it.

18 Q. Anything else that she said during
19 that conversation?

20 A. No, I don't recall.

21 Q. Was it in person?

22 A. No; it was over the phone.

23 Q. Anything else that you said during
24 that conversation?

25 A. I just -- I -- I just was in shock.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 I couldn't, you know...

3 Q. Anything else that you said?

4 A. I don't recall.

5 Q. In terms of Susan Waters, did you
6 speak with her on any other occasions about
7 Spencer Sinkov?

8 A. I don't -- I don't remember.

9 Q. Anything that you could use to
10 refresh your memory, any notes or anything that
11 you created?

12 A. (Witness shakes head)

13 Q. You have to verbalize your answer.

14 A. Oh, no. No, I didn't.

15 Q. Did you ever come to learn at any
16 point in time that when you reviewed the Medical
17 Intake form, which is marked as Exhibit 7, not
18 only were you required to sign and date it, but
19 you were supposed to put the time of your review
20 on there?

21 A. Put the time on there?

22 Q. Yes.

23 A. No; I was supposed to just put the
24 date.

25 Q. Did anybody ever tell you that it

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 was policy to put the time on there, as well?

3 A. No. No.

4 Q. Take a look at the 2003 manual
5 that's in front of you. Specifically, the page
6 that's Bates stamped 495.

7 A. (Witness compiles)

8 Q. The second paragraph, "In all cases,
9 the nurse must date, time, and sign the lower
10 right-hand corner of the IMIR to document that
11 the inmate was medically screened within the
12 four-hour limit."

13 Do you see that?

14 A. Yes.

15 Q. So, you were aware that the time was
16 required?

17 A. I guess, yes.

18 Q. And you didn't do that on Exhibit 7
19 in the case of Mr. Sinkov; correct?

20 MR. COON: Objection,

21 You can answer.

22 A. I don't see the time there, no.

23 Q. Did you ever see Exhibit 23, a memo
24 from Michelle Murnane to All Staff dated
25 January 22nd, 2004? (Handing)

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**
 2 (Witness peruses exhibit)
 3 A. I don't -- I don't recall it.
 4 Q. Do you know who Michelle Murnane is?
 5 A. Yes.
 6 Q. Who was she?
 7 A. She was the predecessor of Rich.
 8 Q. DiMaggio?
 9 A. Yes.
 10 Q. And the first paragraph of this
 11 pertaining to documentation states that, in
 12 substance, that you're required to date and time
 13 your signature on all entries, including the
 14 intake screenings, to prove that it was reviewed
 15 within four hours; correct?
 16 A. Yes.
 17 Q. And it says here, "Failure to show a
 18 time on the screening form indicates
 19 noncompliance with the four-hour requirement;"
 20 correct?
 21 A. Yes.
 22 Q. Did anybody ever counsel you or
 23 discipline you for failing to put the time on any
 24 of the inmate medical records that you reviewed?
 25 A. I don't recall.

COMPU-TRAN SHORTHAND REPORTING

1 **Peter Clarke**
 2 A. No.
 3 **MR. COON:** Objection to the
 4 form of that question.
 5 Q. On the next page, 558, under the
 6 numbered paragraphs one through six: "Inmates
 7 that receive a suicide screen score of eight or
 8 higher or who answer "Yes" to the questions
 9 enumerated there, will be referred to mental
 10 health staff for further evaluation."
 11 Do you see that?
 12 A. Yes.
 13 Q. Prior to November of 2006, were you
 14 aware of any requirement that if an inmate
 15 received a score or had a shaded box checked -- a
 16 score of eight or higher or had a shaded box
 17 checked, that you had an obligation to refer them
 18 to mental health?
 19 **MR. COON:** Objection.
 20 You can answer.
 21 A. No.
 22 Q. Did you ever refer Spencer Slinkov to
 23 mental health?
 24 A. No.
 25 Q. To your knowledge, did any AmeriCor

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1 **Peter Clarke**
 2 Q. As a matter of practice, did you
 3 time your signature and date on the IMIR?
 4 A. I would think that I would have.
 5 Q. Do you know why, then, in this case
 6 with respect to Mr. Slinkov, you didn't put a time?
 7 A. No.
 8 Q. Take a look if you would at
 9 Exhibit 25, Bates stamped Page 557, titled
 10 "Receiving Screening" at the bottom of that page.
 11 A. (Witness complies)
 12 Q. In substance that paragraph
 13 indicates that "AmeriCor staff will follow
 14 existing procedures that call for the booking
 15 officer to complete the Inmate Medical Intake
 16 Record and Suicide Prevention Screening at the
 17 time of the inmate's arrival at the jail." Then
 18 it says, "A registered nurse will then review
 19 these forms."
 20 Do you see that part?
 21 A. Yes.
 22 Q. Prior to November of 2006, were you
 23 aware of any policy or procedure that required
 24 you to review the forms pertaining to the suicide
 25 screening?

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1 **Peter Clarke**
 2 staff person make such a referral?
 3 A. I don't know.
 4 Q. Did you ever come to learn, at any
 5 point in time, that Susan Waters had referred
 6 him, as indicated on Exhibit 5? (Handing)
 7 (Witness peruses exhibit)
 8 A. No.
 9 Q. No?
 10 A. No.
 11 Q. Did you ever speak with Susan Waters
 12 about any referral that she made?
 13 A. No.
 14 Q. Or the basis for her referral?
 15 A. Not that I recall.
 16 Q. At any time -- at any point in time
 17 prior to November, 2006, were you ever told of
 18 any circumstances where you, as the nurse during
 19 an intake, were required to refer an inmate to
 20 mental health?
 21 A. Just do me a favor; just rephrase
 22 that again, please.
 23 Q. Sure. Prior to your training in
 24 November of '06 --
 25 A. Right.

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1 Peter Clarke

2 Q. -- did anybody ever provide you with
3 any policies, or procedures, or instructions that
4 you were required, as part of an intake, to make
5 a referral to mental health if you believed one
6 was warranted?

7 A. I could, yes.

8 Q. Did anybody tell you, though, that
9 it was supposed to be you who made that referral
10 as part of the intake process?

11 A. No.

12 Q. Look at the 2004 manual, please.

13 Pages 448 to 449.

14 A. 445?

15 Q. 448 to 449. It's called "Suicide
16 Prevention."

17 Do you see that three-page policy?

18 A. (Witness peruses record)

19 I have a call. I have to answer
20 this call.

21 (Recess taken)

22 CONTINUED EXAMINATION BY MS. BERG:

23 Q. Back to 448 to 449 -- it's actually
24 448 to 450. Did you ever see that policy before?

25 A. (Witness peruses record)

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 I don't recall, but I'm familiar
3 with the information in the policy.

4 Q. When did you first become aware of
5 the information in the policy? Was it at or
6 about the time that you received the training,
7 before, or after that?

8 A. I always knew that I could refer
9 somebody to mental health.

10 Q. Did you know, prior to November of
11 2006, that the suicide screening form was used to
12 determine if an inmate posed a high risk of
13 suicide?

14 A. Yes.

15 Q. And in terms of this policy, Suicide
16 Prevention, do you recall when you first saw it?

17 A. What?

18 Q. The policy, 448.

19 MR. COON: What you were just
20 looking at.

21 A. Oh, okay. I don't recall.

22 Q. Do you recall if you saw it at any
23 time prior to the training you received in
24 November of '06?

25 A. I don't recall.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 Q. Do you remember if it was part of
3 the Policy Manual that was kept at the jail prior
4 to November of '06?

5 A. Probably; but as I said, I can't --
6 I can't definitely say.

7 Q. In terms of the suicide prevention
8 policy it says, "Inmates will be evaluated for
9 potential risk of suicide during the intake
10 process, using the Receiving Screening form."

11 Is it your understanding that the
12 correction officer administered that form;
13 correct?

14 A. Yes.

15 Q. Then it says, "Inmates determined to
16 be at risk as result of this screening process
17 will be placed on suicide precautions and
18 immediately referred to the psychiatrist."

19 Prior to November of '06, did you
20 ever have any understanding there was any
21 requirement that you, as the nurse, immediately
22 refer an inmate to the psychiatrist, based on the
23 suicide prevention screening process?

24 MR. COON: Objection to
25 the form of that question.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke

2 A. No.

3 Q. Do you have any understanding, as
4 you sit here today, as to what is meant by
5 "Suicide precautions" as referenced at Page 448?

6 MR. COON: That first
7 paragraph, here. (Indicating)

8 A. (Witness peruses record) Yes.

9 Q. What were suicide precautions?

10 A. To place a person, an inmate, on
11 one-to-one, constant observation.

12 Q. And who told you about that?

13 A. I've always known about it.

14 Q. How did you know, though, that the
15 term "suicide precautions" in this policy
16 referred to a one-on-one observation?

17 A. Because that's -- that's the only
18 thing it could mean.

19 Q. And in terms of the suicide
20 precautions, did you, as a nurse, have the
21 authority to institute those suicide precautions?

22 A. Yes.

23 Q. How is it that you would institute a
24 constant watch?

25 A. Just tell the -- bring it to the
COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 sergeant's attention, you know, that I think that
 3 this person needs a constant watch.
 4 Q. Did you ever do that?
 5 A. No.
 6 Q. Did you do that in Spencer's case?
 7 A. No.
 8 Q. Did you ever come to learn at any
 9 point in time that he was placed on a 15-minute
 10 watch?
 11 A. I don't recall.
 12 Q. The third paragraph of the suicide
 13 prevention policy, Page 448 says: "Inmates who
 14 are determined to be at risk will be promptly
 15 referred to mental health personnel for
 16 additional assessment and treatment."
 17 Do you have any understanding as to
 18 what the term "promptly" means there?
 19 A. At the time that the determination
 20 is made that the person is at risk.
 21 Q. And when would that be in terms of
 22 intake? Is it at intake or something else?
 23 A. If it's found to be at intake, then
 24 it would be at intake.
 25 Q. In terms of being at risk, with

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 respect to the Suicide Prevention Screening
 3 Guidelines, that's a tool to use to determine if
 4 somebody's at risk at screening; correct?
 5 A. Yes.
 6 Q. And in this case, Spencer's score
 7 indicated that he was at risk; correct?
 8 A. I have to look at it.
 9 Q. That's Exhibit 3, just for the
 10 record.
 11 A. (Witness peruses record) Yes.
 12 Q. And did you do anything to promptly
 13 refer him to mental health personnel?
 14 A. No.
 15 Q. To your knowledge, did anyone?
 16 A. I don't -- not to my knowledge.
 17 Q. Did anybody ever counsel you or
 18 discipline you in any way for failing to follow
 19 any policy or procedure requiring you to promptly
 20 refer Spencer to mental health?
 21 A. No.
 22 MR. COON: Objection to the
 23 form of the question.
 24 Q. On the next page, 449: "Inmates who
 25 are placed on suicide precautions will be placed

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 in the facility's mental health unit or placed on
 3 regular observation status, such that they are
 4 subject to monitoring by correctional and/or
 5 health-care personnel."
 6 Do you see that?
 7 A. Yes.
 8 Q. Did you have any obligation to
 9 actually monitor inmates --
 10 A. No.
 11 Q. -- as a nurse?
 12 A. No.
 13 Q. Do you know what "regular observation
 14 status" means?
 15 A. The every-15-minutes-- check
 16 somebody every 15 minutes.
 17 Q. So, were you ever of the
 18 understanding that, contrary to what you just
 19 testified to about suicide precautions being
 20 one-on-one supervision, that AmeriCor's policy
 21 said that the check should be every 15 minutes?
 22 A. No. It should be one -- no.
 23 Q. You were starting to say it should
 24 be one-on-one; correct?
 25 MR. COON: Objection.

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 A. Yes.
 3 Q. Did you ever come to learn about any
 4 requirements that individuals who pose a risk for
 5 having progression to withdrawal symptoms -- to
 6 developing withdrawal symptoms -- withdrawn. Let
 7 me start over.
 8 In terms of individuals who come
 9 into the facility --
 10 A. Right.
 11 Q. -- as a nurse or in any of your
 12 training, have you ever come to learn that
 13 symptoms of withdrawal sometimes do not appear
 14 immediately?
 15 A. Yes.
 16 Q. And have you also been trained, or
 17 do you know, based on your nursing experience and
 18 training, that sometimes symptoms do not peak for
 19 24 to 72 hours?
 20 A. Yes.
 21 Q. Are you aware of any AmeriCor
 22 policies or procedures which indicated that
 23 constant supervision should be given to inmates
 24 who have a risk of progressing to withdrawal
 25 symptoms?

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

A. No.

Q. Did you ever see anything in writing about that?

A. I don't recall.

Q. Did anybody ever tell you that, that should be followed?

A. I don't -- I don't recall.

Q. Take a look at Page 561 of Exhibit 25.

A. (Witness complies)

Q. Under "Detoxification." This is, by the way, a document that was provided by AmeriCor to the county as part of its initial contract.

In terms of the --

A. Is this dated?

Q. It was in or about 2003, okay? I believe, July of '03.

In terms of the "Detoxification" section, the bottom paragraph, last line: "Individuals at risk for progression to more severe levels of withdrawal will be under constant observation by correctional officers."

Do you see that?

A. Yes.

Q. Do you know if that was ever

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

translated into any kind of a written policy or procedure?

THE WITNESS: I have a call.

MS. BERG: Go ahead.

(Recess taken)

CONTINUED EXAMINATION BY MS. BERG:

Q. In terms of the suicide screening form, Exhibit 3 which is here, at the bottom there's a section that says "Medical staff and/or mental-health provider actions."

Do you see that?

A. Yes.

Q. In your employment at AmeriCor, Putnam County, did you ever have to complete that portion of the form?

A. No.

Q. When you attended the suicide prevention training, were other AmeriCor staff persons present?

A. Yes.

Q. Did you have an understanding that it was mandatory training?

A. Yes.

Q. Were any correction officers or

Peter Clarke

county employees present?

A. There was COs, correction COs, yes.

Q. That attended the training, not gave the training?

A. No. They were there. I don't believe that they were attending it. They were

there.

Q. Do you know why they were there?

A. They're part of the instructional

staff.

Q. Do you know who they were?

A. There was the officer that was giving it and a sergeant. I don't know the sergeant's name.

Q. Do you recall if this was a man or a woman?

A. A man.

Q. Do you recall if it was LaPolla?

A. No. I don't -- no.

Q. Did you ever speak with Correction Officer Vasaturo at any point in time about

Spencer Sinkov?

A. No, I don't recall.

Q. Did you ever speak with Sergeant

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

LaPolla about Spencer Sinkov?

A. No. I don't recall.

Q. Take a look at the 2003 Procedure

Manual, Exhibit 28.

A. 28?

Q. Yes. Bates stamped S18 to S19.

A. (Witness complies)

Q. Did you ever see that procedure while you worked for AmeriCor?

A. (Witness peruses exhibit)

I don't recall if I saw this or not.

Q. Prior to November of '06, did you ever have any understanding that inmates who

verbally reported a history of opiate, including

heroin, use, when coming into the facility are supposed to be evaluated for potential onset of

withdrawal symptoms?

A. I'm sorry. Just say this again.

Q. Sure. Did you ever know, prior to

November of '06, of any policies or procedures

that required you to evaluate inmates who are coming into the facility for potential onset of

withdrawal symptoms, where those inmates reported having used heroin or opiates?

COMPU-TRAN SHORTHAND REPORTING

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

A. Yes.

Q. What did you have to do as a nurse to evaluate the potential onset of those symptoms?

A. If somebody said that they were withdrawing, take their vital signs. Check -- you know, check them. Check their skin. See if there's cold, sweaty, clammy skin. The most important thing is, you know, what the inmate complains about. You know, they usually say, you know, I'm sick; I'm dope sick. You know, I don't feel good. Vomiting, you know, you can usually see.

Q. And what if when the inmate came in they didn't have those symptoms; is there anything that you're required to do to determine whether, you know, they had the potential for developing them at a later point during their incarceration?

A. That's why I told them, you know, that, you know, we're there. All he has to do is, you know, tell the officer, and the officer will get in touch with us, and we'll evaluate them; we'll see them.

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

Q. So, that would be up to Spencer, then, to notify somebody?

A. Right; or the officer. You know, sometimes the officer would say so-and-so doesn't look right, or so-and-so is sick. All right?

Q. Did you, though, as a nurse at that time in May of '06, have any obligation by reason of policy or procedure to, yourself, evaluate whether symptoms were appearing?

A. As far as policy is concerned?

Q. Yes.

A. I don't recall.

Q. Do you recall actually seeing Spencer during the intake process?

A. I remember all of it.

Q. You do?

A. Yeah.

Q. Do you remember whether you made any observations as to whether or not he had a runny nose?

A. He -- he didn't look like he had a runny nose. He did not. He didn't look sick at all.

Q. Do you recall if he had watery eyes?

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

A. That -- that, I don't recall.

Q. Do you recall if he discussed, in any way with you, his appetite?

A. No. We specifically didn't mention appetite.

Q. What do you remember about his height and weight?

A. He was 5' 8", like 150, 160,

Q. Do you recall that he was more like 6' 1" and 130?

A. (No response)

Q. Yes or no?

A. No, I don't.

Q. Do you recall that he presented as being very thin?

A. Yes, he looked thin.

Q. And as a result of him appearing thin, did you ask any questions about his eating habits or appetite?

A. No, no.

Q. Did you take his temperature or feel his skin?

A. No.

Q. Did you ask him if he had any muscle

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

cramps?

A. No, I didn't.

Q. Did you ask him if he had any

nausea?

A. I asked him how he felt.

Q. Okay, but did you ask him if he had any nausea?

A. No, I didn't. No, No.

Q. Did you ask him if, in the last

24 hours, he had vomited or had diarrhea?

A. No, I didn't ask him.

Q. Did he report any of that to you?

A. No, he didn't.

Q. You indicated that the policy was,

you would be called to booking when a new inmate came to the facility?

A. Yes.

Q. Do you remember who called you in connection with the intake of Spencer?

A. No.

Q. When you got to booking, what did you observe?

A. When I got to booking, I thought he was a cop; I thought he was an undercover cop

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

017833 2 because he was standing there, talking to one of
 017834 3 the COs and just -- nonchalant behavior. As a
 4 matter of fact, I didn't even approach him. I
 5 stood away, waiting for them to finish talking.
 017836 6 Q. Did you hear anything that was being
 017837 7 said?
 017838 8 A. No. I was at the other end of the
 017839 9 counter. I was 20, 30 feet away.

017840 10 Q. And who was the correction officer
 017841 11 that was speaking with him at the time?

017842 12 A. I don't know. I don't recall it.

017843 13 Q. When was the first time during the
 017844 14 process that you could hear anything that was
 017845 15 being said to Spencer or that Spencer was saying?

017846 16 A. When I went up there.

017847 17 Q. And what happened when you
 017848 18 approached?

017849 19 A. I engaged in a conversation. I was
 017850 20 talking to him.

017851 21 Q. What did you say to him? What did
 017852 22 he say to you?

017853 23 A. I introduced myself. I asked him if
 017854 24 he had any medical problems.

017855 25 He said, no. He volunteered that he
 COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

017856 1 last used drugs, heroin, within the last 24 hours.
 017857 2 Q. Anything else?
 017858 3 A. No, just -- and I explained to him,
 017859 4 you know, about medical. That have the officer
 017860 5 talk -- you know, talk to the officer and the
 017861 6 officer would get -- would get us, you know, if
 017862 7 he didn't feel well.
 017863 8 Q. Anything else that you said to him
 017864 9 or that he said to you?

017865 10 A. No. We were laughing and joking.

017866 11 Q. What were you laughing and joking
 017867 12 about?

017868 13 A. He was making a joke about -- about --
 017869 14 you know, about, you know, feeling okay and he
 017870 15 didn't have any medical -- you know, just, you
 017871 16 know -- he was just, you know, kidding. You
 017872 17 know, kidding mood, you know. That's the way he
 017873 18 responded to us.

017874 19 Q. Well, did he appear, as a result of
 017875 20 making a joke about his situation, to be under
 21 the influence of anything?

017876 22 A. No.

017877 23 Q. Anything that you can recall him
 017878 24 specifically say that was a joke or kidding
 017879 25

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

017880 1 around?
 017881 2 A. Just about medical problems, he
 017882 3 said, no, I don't have any, you know.
 017883 4 Q. Well, the way you're saying it, it's
 017884 5 not coming across like he was laughing or joking;
 017885 6 so, that's why I'm following up.

017886 7 A. Right, but he did, though. He said
 017887 8 something about past medical -- you know, I asked
 017888 9 him, about, you know, do you have any medical
 017889 10 problems?

017890 11 He said, no. And you know, he -- I
 017891 12 don't know. He just said something at the time
 017892 13 that -- you know, that he laughed about.

017893 14 Q. Do you recall what that was?

017894 15 A. I can't remember.

017895 16 Q. Anything else that you can recall
 017896 17 asking him?

017897 18 A. Just that if he was on medication;
 017898 19 and he said, no.

017899 20 Q. Did you ever come to learn that he
 017900 21 was taking Lunesta?

017901 22 A. No.

017902 23 Q. Take a look at Exhibit 7, the IMIR,
 017903 24 second page.

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

017904 1 A. (Witness complies)
 017905 2 Q. Do you see where it notes that he
 017906 3 was taking Lunesta on the top?

017907 4 A. Um-hum.

017908 5 Q. Do you see that?

017909 6 A. Yes.

017910 7 Q. Do you recall that, now that you've
 017911 8 reviewed that form again?

017912 9 A. I don't -- I don't recall.

017913 10 Q. What's Lunesta used for?

017914 11 A. Sleep.

017915 12 Q. Did you ever ask him anything about
 017916 13 whether he had any problems sleeping?

017917 14 A. No.

017918 15 Q. Did you ask him any questions about
 017919 16 for how long he had been taking Lunesta?

017920 17 A. No.

017921 18 Q. Anything else that you can recall
 017922 19 saying to Spencer or Spencer said to you?

017923 20 A. No.

017924 21 Q. Did you take his vital signs?

017925 22 A. No.

017926 23 Q. Approximately, how long did you have
 017927 24 this interaction with him?

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

- 1 A. Five minutes.
 2 Q. Was anybody else present?
 3 A. The booking officer and Sergeant
 4 LaPolla.
 5 Q. Were they within earshot?
 6 A. Yes.
 7 Q. Did LaPolla say anything during your
 8 interaction with Spencer?
 9 A. I don't recall it.
 10 Q. Do you recall LaPolla asking Spencer
 11 any questions about how he used his drugs?
 12 A. I don't recall.
 13 Q. Or how much he used?
 14 A. I don't recall.
 15 Q. Do you recall Spencer indicating
 16 that he used, quote, "a lot"?
 17 A. I don't recall. I don't recall.
 18 Q. Do you recall the booking officer
 19 was Vesaturo?
 20 A. Yes.
 21 Q. Did he say anything in your presence
 22 to Spencer?
 23 A. In my presence, no.
 24 Q. Did you hear anybody say anything to

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

- 1 A. Yes.
 2 Q. Would they be in the form of
 3 Exhibit 4? It's called a P-1.
 4 A. Yes.
 5 Q. And do you recall if you received
 6 this P-1 about Spencer?
 7 A. I don't recall.
 8 Q. Other than what you testified to
 9 already here today about Susan Waters, did you
 10 have conversations with anyone from AmeriCor
 11 about Spencer or the events of May 20th, 2006?
 12 A. No, I don't -- no.
 13 Q. Did you ever speak with Kevin Duffy
 14 about Spencer, or the events of May 20th, 2006?
 15 A. No.
 16 Q. Did he ever ask you any questions
 17 about --
 18 A. No.
 19 Q. -- what you did or didn't do on that
 20 day?
 21 A. No.
 22 Q. Did you ever speak with Rich DiMaggio
 23 about Spencer or May 20th, 2006?
 24 A. No, I don't -- no, I don't recall.

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

- 1 Spencer at any point in time?
 2 A. I didn't hear. As I said, I didn't
 3 hear what they were talking about.
 4 Q. Did you hear Spencer say anything to
 5 anybody else, except for you, of course?
 6 A. He was answering LaPolla, but I
 7 forgot what LaPolla was talking about.
 8 Q. You have no recollection of that?
 9 A. I can't remember.
 10 Q. Were the members of the Sheriff's
 11 Department - the Investigators, the deputy
 12 sheriffs - present at any point in time while you
 13 were in booking?
 14 A. I -- I can't recall.
 15 Q. Do you recall that there was another
 16 incoming inmate named Robert Thompson at that time?
 17 A. No.
 18 Q. Do you recall if anybody spoke with
 19 Robert Thompson about Spencer Sinkov?
 20 A. No.
 21 Q. As a matter of procedure, did you
 22 ever receive memos from corrections staff about
 23 inmates who were placed on constant, or 15-minute
 24 watches?

COMPU-TRAN SHORTHAND REPORTING

Peter Clarke

- 1 Q. Are you aware of any procedures in
 2 place when you worked for AmeriCor about
 3 providing detox meds or other programs for
 4 inmates who come in being addicted to drugs?
 5 A. Yes.
 6 Q. What are you aware of in that regard?
 7 A. Say that again?
 8 Q. What are you aware of? What
 9 policies were there?
 10 A. They would be placed on a librium
 11 taper.
 12 Q. And under what circumstances would
 13 they actually receive the librium?
 14 A. If they were showing signs and
 15 symptoms of withdrawal.
 16 Q. Only at that point?
 17 A. If -- if -- if you thought it was,
 18 you know, warranted, yes, you would put them on a
 19 librium taper.
 20 Q. At any point in time was Spencer
 21 given any librium taper?
 22 A. No.
 23 Q. Are you aware of any policies or
 24 procedures within the facility or AmeriCor with

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 respect to providing CPR?
 3 A. Yes. They have CPR, yes.
 4 Q. Are you trained to give it?
 5 A. Yes.
 6 Q. And have you ever had occasion to do
 7 so?
 8 A. Not there. I've given CPR.
 9 Q. In AmeriCor or in the Putnam County
 10 Correctional Facility, were there any policies or
 11 procedures about who can stop CPR once it's
 12 commenced?
 13 A. I don't recall them.
 14 Q. When Susan Waters contacted you, was
 15 that the first time that you learned that Spencer
 16 had committed suicide?
 17 A. Yes.
 18 Q. Did you ever have any conversations
 19 with any Putnam County employees about Spencer?
 20 A. No.
 21 Q. Did you ever have any communications
 22 with Vasaturo or LaPolla during the booking
 23 process about Spencer?
 24 A. Wait. Just say that again.
 25 Q. During the booking process --

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 A. They were just going over the policy
 3 and what happened that day.
 4 Q. Do you recall anything that you told
 5 them?
 6 A. I told them -- I told them what
 7 happened.
 8 Q. What did you tell them?
 9 A. The same thing, you know, that we
 10 just -- you know, they asked me what the
 11 procedure was, and I -- everything that I said.
 12 Q. Tell me what you told the
 13 commissioners or the investigators from the
 14 Commission.
 15 A. I don't -- I don't recall exactly.
 16 Q. What did you tell the Investigators
 17 from the Commission as to the procedure?
 18 A. I don't recall. This is how many --
 19 a couple of years ago. I don't remember.
 20 Q. Did you provide them with anything
 21 in writing?
 22 A. I don't recall.
 23 Q. Did you ever come to learn that the
 24 County of Putnam or the Sheriff's Department
 25 conducted an investigation, as well?

COMPU-TRAN SHORTHAND REPORTING

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 1 Peter Clarke
 2 A. Right.
 3 Q. -- did you speak with Vasaturo about
 4 Spencer at all?
 5 A. No.
 6 Q. Did you speak with LaPolla about him
 7 at all?
 8 A. No.
 9 Q. Did there come a point in time when
 10 the State Commission of Correction conducted an
 11 investigation into Spencer's death?
 12 A. Yes.
 13 Q. And how did you know about that
 14 investigation?
 15 A. Because I was called to talk to them.
 16 Q. Do you remember when that occurred?
 17 A. I don't recall.
 18 Q. When you met with them, was that at
 19 Putnam County?
 20 A. Yes.
 21 Q. And do you recall who you met with?
 22 A. Two. Two gentlemen from Albany. I
 23 don't remember who.
 24 Q. Do you remember what they said to
 25 you; what you said to them?

COMPU-TRAN SHORTHAND REPORTING

88
 1 Peter Clarke
 2 A. No.
 3 Q. Did anybody from the Sheriff's
 4 Department - Investigators from BCI, for example -
 5 ever question you?
 6 A. No.
 7 Q. Did you ever provide them with a
 8 statement?
 9 A. No.
 10 Q. Were you aware that others had been
 11 questioned, regarding Spencer's death, by members
 12 of BCI?
 13 A. No.
 14 Q. Did anyone ever discuss with you
 15 anything about the State Commission's report?
 16 A. About...?
 17 Q. About Spencer. In other words, the
 18 State Commission issued a report on their
 19 investigation.
 20 A. Right.
 21 Q. Did you ever learn anything about
 22 that report? Did anybody share it with you or
 23 discuss it with you?
 24 A. No. I never saw a copy of it.
 25 Q. You never conversed with anyone

COMPU-TRAN SHORTHAND REPORTING

1 Peter Clarke
 2 about it?
 3 A. No.
 4 MS. BERG: Do you want to
 5 talk?
 6 MR. SINKOV: Yes, just
 7 really briefly.
 8 MS. BERG: Just give us
 9 another minute.
 10 (Recess taken)
 11 MS. BERG: Are there any
 12 answers you've given that you want to
 13 modify or change at this time?
 14 THE WITNESS: No.
 15 MS. BERG: I don't have
 16 anything else.
 17 MR. COON: I have no
 18 questions.
 19 MR. KLEINBERG: No
 20 questions.
 21 MR. GELARDI: No questions.
 22
 23 ooo
 24
 25 (Time stated: 4:21 p.m.)

COMPU-TRAN SHORTHAND REPORTING

1
 2
 3 STATE OF NEW YORK)
 4) ss:
 5 COUNTY OF ROCKLAND)
 6
 7 I, Donna Bochnik, Notary Public within
 8 and for the State of New York, do hereby
 9 certify:
 10
 11 That I reported the proceedings in the
 12 within entitled matter, and that the within
 13 transcript is a true record of said
 14 proceedings.
 15
 16 I further certify that I am not
 17 related to any of the parties to the action by
 18 blood or marriage, and that I am in no way
 19 interested in the outcome of this matter.
 20
 21 IN WITNESS WHEREOF, I have hereunto
 22 set my hand this 25th day of January, 2008.
 23
 24
 25 DONNA BOCHNIK,
 NOTARY PUBLIC

COMPU-TRAN SHORTHAND REPORTING

1
 2 STATE OF NEW YORK)
 3) ss:
 4 COUNTY OF WESTCHESTER)
 5
 6
 7
 8 I, PETER CLARKE, the witness
 9 herein, having read the foregoing testimony of
 10 the pages of this deposition, do hereby certify
 11 it to be a true and correct transcript, subject
 12 to the corrections, if any, shown on the
 13 attached page.
 14
 15 ooo
 16
 17
 18
 19
 20 PETER CLARKE
 21
 22 Subscribed and sworn to before me
 23 this ____ day of ____ 2008.
 24
 25

COMPU-TRAN SHORTHAND REPORTING

1 APPENDIX***
 2 PAGES LINES
 3 EXAMINATION BY:
 4 Ms. Berg 4 10
 5 DOCUMENT/DATA REQUESTED:
 6 NONE
 7
 8 PLAINTIFF'S EXHIBITS:
 9 11 32 - 10/11/06 memo from Rich
 10 to AH Staff 12 8
 11
 12 13 DEFENDANT'S EXHIBITS:
 14 NONE
 15
 16 RULINGS CONTEMPLATED:
 17 NONE
 18
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 23
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COMPU-TRAN SHORTHAND REPORTING

1

2 CORRECTION SHEET

3

4 Re: DONNY A. SINKOV v. DONALD B. SMITH
5 The following corrections, additions
6 or deletions were noted on the transcript of
7 the testimony which I gave in the above-
8 captioned matter, held on 1/17/08.

9

10 PAGE(S) LINE(S) SHOULD READ

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